

[MK] Equal Regulatory Approach with a newly Adopted Rulebook on Finance and Accounting Procedures

IRIS 2012-9:1/31

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On 25 May 2012, the Macedonian media regulatory authority, the Broadcasting Council (BC), adopted a Rulebook on the Procedures for Finance and Accounting, which sets the rules on the collection of the annual fee that each broadcaster must pay for its license, the so-called “Broadcasting License Fee”. The broadcasters are obliged to pay this fee directly to the BC.

The new by-law is expected to create an environment of a non-selective approach in implementation of the Law on Broadcasting regarding collection of the fee for broadcasters’ licenses.

The current Law on Broadcasting in Art. 60 sets out the basic regulation of this matter: “The commercial broadcasting companies and the non-profit broadcasting institutions shall pay an annual fee for the license to the account of the Broadcasting Council.”

However, the implementation practice showed that some broadcasters had not paid their license fees for years, while other broadcasters had fully respected this obligation. This law enforcement practice has created a market environment where some broadcasters have been put in a better position than others, which in legal terms means an “uneven enforcement of the broadcast legislation” by the media regulation authority.

In order to create an equal regulatory approach, without any kind of discrimination among the market players, the new Rulebook defines the deadline for payment of the fee. If the broadcaster refuses to pay the issued invoice after a 15-day-deadline, then the Broadcasting Council can initiate a procedure for revocation of the license, according to Art. 63 of the Broadcasting Law.

Together with an additional 15-day-deadline after the initiation of such a procedure as foreseen in Art. 23 of the Rulebook, this means in practice that broadcasters have 30 days in total to pay the fee until the final decision on the license’s revocation is made.

In 2012, three satellite broadcasters have already lost their licenses due to not having adhered to the provisions in the law that regulate the payment of the broadcasting license fee, which marked the start of the implementation of this

piece of secondary legislation.

This Rulebook should not only provide a good mechanism that will contribute to the efforts of non-selectivity when the media law is implemented by the media regulatory authority, but it should also ensure the council's sustainable funding, bearing in mind that besides the four per cent of the broadcast fee, the main source of finance is the annual fee that the broadcasters have to pay for their licenses.

In its latest Country's Progress Report on Macedonia, the European Commission noted that: "Sustainable funding of the public service broadcaster and the Broadcasting Council is yet to be secured." The effective implementation of the present Rulebook should give hope that the Broadcasting Council will secure sustainable funding and will increase the effectiveness of the implementation of the media legislation.

Rulebook on the procedures for financial and accounting working of the Broadcasting Council of the Former Yugoslav Republic of Macedonia

http://www.srd.org.mk/images/stories/Podzakonski_akti_na_angliski/Rulebook_on_accounting.pdf

